

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

IAN J. DICKSON,	)	CA NO. 2:09-2539-PMD
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
PORTR J. WILEY,	)	
	)	
Defendants.	)	
	)	

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This matter comes before the Court upon plaintiff's Motion for Default Judgment, and defendant's Motion for Enlargement of Time to File Responsive Pleadings. This action was originally filed in the Court of Common Pleas for Charleston County and was removed by counsel for defendant on September 28, 2009. Defense counsel's office continued to check the online case management system for information that the acknowledgment transferring the case to the District Court had been filed, and was unable to obtain such confirmation. On October 22, 2009, defense counsel's office contacted the Charleston County Clerk's office as to the status of the transfer to District Court and was advised that it had not been transferred as of that date.

On October 23, 2009, plaintiff's Motion for Default Judgment was filed. Defense counsel immediately contacted the District Court Clerk's office and was advised that there was an issue with the correct mailing address and e-mail address for defense counsel's law firm, and apparently all notifications for this case were being transferred to an attorney in Tennessee. Defendant immediately filed a Motion for Enlargement of Time to File Responsive Pleadings on October 26, 2009. The defendant alleges meritorious defenses to

plaintiff's claims, and the record is devoid of any evidence that plaintiff will be unduly prejudiced if defendant is allowed to file his responsive pleadings out of time.

Now therefore,

IT IS HEREWITH ORDERED that plaintiff's Motion for Default Judgment is **DENIED**, and defendant's Motion for Enlargement of Time to File Responsive Pleadings is **GRANTED**. Plaintiff shall have five (5) days from the date of this Order to file said pleadings.

AND IT IS SO ORDERED.



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PATRICK MICHAEL DUFFY  
United States District Judge

**November 2, 2009**  
**Charleston, South Carolina**